WAKE COUNTY BOARD OF COMMISSIONERS

RULES OF PROCEDURE

Amended October 3, 2022

Rule 1. Agenda. The County Manager shall prepare the agenda for each meeting of the Board. A request to have an item of business placed on the agenda must be received by the Manager at least ten (10) calendar days before the meeting. Any two Board members may, by a timely written request to the County Manager, copying the full Board of Commissioners and County Attorney, have an item placed on the agenda.

A consent agenda, listing items considered to be non-controversial, shall be prepared by the Manager as a part of the agenda. Consent agenda items shall be considered as a group by one motion, and no discussion shall be had on any consent agenda item. Any member may request that an item be removed from the consent agenda prior to approval of the agenda.

The agenda shall be approved as the first item of business at each meeting, and no item may be considered for action unless that item is included in the printed agenda or added to the agenda by majority vote before the agenda is approved by the Board.

No agenda item requested by Commissioners less than ten (10) calendar days of a regular meeting shall be considered at that regular meeting unless approved unanimously by those Board members in attendance at that meeting.

Rule 2. General Public Comment. Each meeting shall include a general public comment period for the public in attendance, at a time indicated on the published agenda. The Chair shall first recognize individuals or groups having requested the opportunity to speak by signing up following the advertised process, and then may recognize others subject to the available time. Speakers shall be limited to a maximum of three minutes each.

Rule 3. Order of Business. At regular meetings, the Board shall proceed to business in the following order:

1. Pledge of Allegiance;
2. Invocation;
3. Approval of Agenda;
4. Approval of Minutes of previous meeting(s);
5. Ceremonial items and presentations;
6. Consideration of agenda items;
7. Committee reports, and;
8. New business not for action.

Without objection, the Chair may call items in any order most convenient for the dispatch of business.

Rule 4. Powers of the Chair. The Chair shall preside at all Board meetings. To address the Board, a member must first be recognized by the Chair. Motions made without the maker first being recognized by the Chair shall not be considered by the Board. The Chair shall have the following powers:

1. To rule on points of parliamentary procedure, including the right to rule out of order any motion offered for patently obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
3. To call a brief recess at any time;
4. To adjourn in an emergency.

Rule 5. Action by the Board. The Board shall proceed by motion. Any member, including the Chair, may make a motion.

Rule 6. Seconds. A motion shall require a second.

Rule 7. One Motion at a Time. A member may make only one motion at a time.

Rule 8. Substantive Motions. A substantive motion is out of order while another substantive motion is pending. Motions to amend shall be allowed as provided in Rule 11(b)11.

Rule 9. Adoption by Majority Vote. A motion shall be adopted if approved by a majority of the votes cast, unless otherwise required by these rules or North Carolina law.

Rule 10. Debate. The Chair shall state the motion or acknowledge another Commissioner who offers to state the motion, then open the floor to debate, presiding according to these general principles:

1. The member making the motion or introducing the ordinance, resolution or order may speak first.
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken.

Rule 11. Procedural Motions.

(a) In addition to substantive motions, the procedural motions listed in this rule, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

(b) In order of priority (if applicable), the procedural motions are:

1. *to adjourn*. The motion may be made only at the conclusion of action on the pending matter; it may not interrupt deliberation of a pending matter.
2. *to recess.*
3. *to call to follow the agenda.* The motion must be made at the first reasonable opportunity or it is waived.
4. *to suspend the rules.* The motion requires a vote equal to a quorum; (4), OR; requires a vote of 2/3 of the members in attendance (at least 3); OR, requires a vote of 2/3 of the members (5)]
5. *to divide a complex motion and consider it by paragraph.*
6. *to defer consideration.* A substantive motion whose consideration has been deferred expires ninety (90) days thereafter, unless a motion to revive consideration is adopted.
7. *to call the previous question.* The motion is not in order until there

has been at least twenty (20) minutes of debate and every member has had one opportunity to speak.

8. *to postpone to a certain time or day.*
9. *to refer to committee.* Sixty (60) days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Board, regardless of whether the committee has reported the matter back to the Board.
10. *to refer to staff.* Thirty (30) days after a motion has been referred to staff, the introducer may call for a report by staff at the next regularly scheduled meeting.
11. *to amend.* Amendments to a motion must be germane to the subject of the motion, but may not achieve the opposite effect of the motion. There may be an amendment to the motion and an amendment to an amendment, but no further amendments. Any amendment to a proposed ordinance shall be reduced to writing. The maker of a motion, with the consent of the seconder of the motion, may accept a proposed amendment without the requirement of a vote of the Board; upon such acceptance, debate shall be upon the motion as voluntarily amended.
12. *to revive consideration.* The motion is in order any time within ninety (90) days of a vote deferring consideration. A substantive motion on which consideration has been deferred expires ninety (90) days after the deferral, unless a motion to revive consideration is adopted.
13. *to reconsider.* The motion must be made no later than the next scheduled meeting after the original vote was taken, and by a member who voted with the prevailing side. It cannot interrupt deliberation on a pending matter but is in order any time before adjournment.
14. *to prevent consideration.* The motion shall be in order at any time after consideration of an issue. It requires a vote equal to a quorum and is valid for six months or until the next regular election of a County Commissioner, whichever occurs first.

Rule 12. Renewal of a Motion. A defeated motion may not be renewed at the same meeting.

Rule 13. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before the Chair puts the motion to a vote.

Rule 14. Duty to Vote. It is the duty of each member of the Board, including the Chair, to vote unless excused by majority vote according to law. The Board may excuse members from voting on matters involving their own financial interest or official conduct. A member wishing to be excused from voting shall inform the Chair, who shall take a vote of the remaining members. Voting by proxy is not allowed.

Rule 15. Failure to Vote. A member who fails to vote on a matter before the board in a meeting at which the member is in attendance, or once in attendance has not been excused as provided in these rules, shall be recorded as voting in the affirmative.

Rule 16. Part A. Presence at meetings. Unless otherwise permitted under these Rules, a member may only participate at meetings in person and no telephonic or other electronic means may be used as a substitute for the physical presence of the member at a meeting.

Part B. Extraordinary meetings. Under extraordinary or exigent circumstances such as those necessitating a special or emergency meeting contemplated by Article 33C of Chapter 143 of the North Carolina General Statutes, telephonic or electronic meetings of the Board may occur if so, directed by the Chair or by the Vice-Chair if the Chair is not available.

Part C. Remote meetings. The Chair may authorize for Board committee meetings established in accordance with Rule 16 to be held on a remote basis, provided all members must participate using the same method, either remote or in-person.

Rule 17. Withdrawal from meeting. Once in attendance at a meeting a member may withdraw only by being excused by the Chair. By majority vote, the Board may overrule the Chair's decision to allow, or refuse to allow, a member to withdraw.

Rule 18. Quorum. A majority of the Board membership shall constitute a quorum. The number required for a quorum is not affected by vacancies. If a member has withdrawn from a meeting without being excused by the Chair, he or she shall be counted as present for the purposes of

determining whether a quorum is present. The Board may compel the attendance of an absent member by any lawful means.

Rule 19. Introduction of Ordinances, Resolutions and Orders. A proposed ordinance, resolution or order shall be deemed introduced at the first meeting where it is on the agenda, regardless of whether it is actually considered by the Board, and its introduction shall be recorded in the minutes.

Rule 20. Appointments. The Board shall use the following procedure to make appointments to fill vacancies over which the Board has the power of appointment: the Chair shall open the floor for nominations for vacancies listed in the approved agenda, and nominations shall be accepted for all such vacancies. If the number of nominees does not exceed the number of available vacancies, then those nominates shall be added to a nominee list. If the number of nominees exceeds the number of vacancies, then a roll call of the members of the Board shall be taken and each member shall cast as many votes as there are vacancies to be filled. The nominees receiving a majority of the votes cast shall be added to the nominee list. In the event a sufficient number of nominees to fill the available vacancies do not receive a majority of the votes cast, or if there is a tie and only one available position remains, voting shall continue, following the procedures herein until a nominee for each available position receives a majority vote. Once the nominee list is established according to the proceeding procedures, the nominee list may be approved by a voice vote or show of hands.

Rule 21. Reference to *Robert's Rules of Order*. To the extent not provided for in, and not conflicting with the spirit of these rules or State law, the Chair shall refer to *Robert's Rules of Order* to resolve procedural questions.

Rule 22. Committee Meetings. The Board may create committees from its membership to facilitate the efficiency and effectiveness of the board's business by researching, studying, and deliberating over issues on behalf of, and at the direction of, the full board. There shall be no public comment period at committee meetings, but they are public meetings and

must comply with the open meetings law. Remote participation is permissible in accordance with Rule 16.

Adopted 2/2/2007.

Amended 2/21/2011.

Rules 1, 2, 10, and 16 Amended 9/16/2019

Rules 16 and 22 Amended 10/3/2022